

7/2/2019

Case.net: 1922-CC04262 - Docket Entries



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1922-CC04262 - JOEL SCHWARTZ V CINCINNATI LIFE INSURANCE CO (E-CASE)

Case Header

Parties & Attorneys

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Charges, Judgments & Sentences

Service Information

Filings Due

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Garnishments/Execution

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06/20/2019 ☐ Returned Mail-Undeliverable

06/10/2019 ☐ Corporation Served

Document ID - 19-SMCC-8873; Served To - CINCINNATI LIFE INSURANCE COMPANY; Server - ; Served Date - 05-JUN-19; Served Time - 00:00:00; Service Type - First Class Mail; Reason Description - Served; Service Text - mailed on 06/03 and they received on

☐ Notice of Service

Notice of Return of Service on Insurance Company; Notice and Acknowledgment of Service; Electronic Filing Certificate of Service.

Filed By: SEAN PATRICK O'GORMAN

On Behalf Of: JOEL J SCHWARTZ

06/07/2019 ☐ Jury Trial Scheduled

Scheduled For: 11/12/2019; 9:00 AM ; REX M BURLISON; City of St. Louis

05/31/2019 ☐ Summons Issued-Circuit

Document ID: 19-SMCC-8873, for CINCINNATI LIFE INSURANCE COMPANY.

05/30/2019 ☐ Filing Info Sheet eFiling

Filed By: SEAN PATRICK O'GORMAN

☐ Pet Filed in Circuit Ct

Petition.

Filed By: SEAN PATRICK O'GORMAN

On Behalf Of: JOEL J SCHWARTZ

☐ Judge Assigned

Case.net Version 5.14.0.11

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Released 04/25/2019



State of Missouri



Department of Insurance, Financial Institutions and
Professional Registration

TO: Corporate Secretary (or United States Manager or Last Appointed General Agent) of

CINCINNATI LIFE INSURANCE COMPANY THE
PO BOX 145496

CINCINNATI, OH 45250-5436

RE: Court: St. Louis City Circuit Court, Case Number: 1922-CC04262

FILED
22ND JUDICIAL CIRCUIT
CIRCUIT CLERK OFFICE
2019 JUN 20 PM 9:01

You will take notice that original process in the suit against you, a copy of which is attached hereto and sent to you by certified mail, was duly served upon you at Jefferson City, Missouri, by serving the same on the Director of the Department of Insurance, Financial Institutions and Professional Registration of the state of Missouri, Dated at Jefferson City, Missouri this Wednesday, June 5, 2019.

Director of Insurance, Financial Institutions and
Professional Registration

AFFIDAVIT

State of Missouri,

ss.

County of Cole,

The undersigned Director of the Department of Insurance, Financial Institutions and Professional Registration or the Director's designated agent, hereby makes oath and certifies the original of the above notice to the above addressee was mailed at the United States Post Office in Jefferson City, Missouri on June 5, 2019 by first class certified mail prepaid as provided by section 375.906.5, RSMo. and Supreme Court Rule 54.15

Director, Department of Insurance,
Financial Institutions and Professional Registration

By:

Subscribed and sworn to before me this 5 day of June, 2019.

Notary Public

My commission expires: March 30, 2023



7/2/2019

Case.net: 1922-CC04262 - Service Information



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1922-CC04262 - JOEL SCHWARTZ V CINCINNATI LIFE INSURANCE CO (E-CASE)

Case Header	Parties & Attorneys	Docket Entries	Charges, Judgments & Sentences	Service Information	Filings Due	Scheduled Hearings & Trials	Civil Judgments	Garnishments/ Execution
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Displaying 1 thru 1 of 1 service records returned for case 1922-CC04262.

Issuance

Issued To: CINCINNATI LIFE
INSURANCE COMPANY

Date Issued: 05/31/2019

Document Summons Civil Case-To Dft-
Issued: Res

Due Date: 06/30/2019

Document ID: 19-SMCC-8873

Return

Type Of Corporation Served
Service:

Service/Attempt 06/05/2019
Date:

Served To: CINCINNATI LIFE
INSURANCE COMPANY
C/O DIRECTOR OF
INSURANCE
301 W. HIGH STREET,
ROOM 530
JEFFERSON CITY, MO
65101

Service Text: mailed on 06/03 and they received on

Displaying 1 thru 1 of 1 service records returned for case 1922-CC04262.

Case.net Version 5.14.0.11

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Released 04/25/2019

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

Joel J. Schwartz,

Plaintiff,

v.

Cincinnati Life Insurance Co.,

Defendant.

Case No: 1922-CC04262

RETURN OF SERVICE ON INSURANCE COMPANY

Comes now, Sean P. O'Gorman and files on behalf of Plaintiff, Joel Schwartz, and files

Notice Received by Director of Insurance.

Respectfully submitted:

O'GORMAN & SANDRONI P.C.
ATTORNEYS AND COUNSELORS AT LAW

/s/ Sean P. O'Gorman
SEAN P. O'GORMAN #35112
Attorney for Plaintiff
3350 Greenwood Blvd.
Maplewood, MO 63143
June 10, 2019
(314) 645-5900
(314) 754-8104
sean@commonsenselaw.net

NOTICE AND ACKNOWLEDGMENT FOR
SERVICE BY MAIL

Circuit Court for St. Louis ~~County~~
Division _____

Case Number 1922-CC04262

Joel J. Schwartz
Plaintiff,

Vs.

Cincinnati Life Insurance Co.
Defendant.

NOTICE

TO: Cincinnati Life Insurance Co. (Name of insurance company to be served) c/o Director of Insurance, 301 W. High Street, Room 530, Jefferson City, MO 65101.

The enclosed summons and petition are served pursuant to Missouri Supreme Court Rule 54.16.

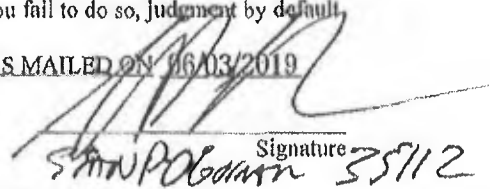
You may sign and date the acknowledgment part of this form and return one copy of the completed form to the sender within thirty days of 06/03/2019. (Insert date of mailing)

If you are served on behalf of a corporation, unincorporated association, including a partnership, or other entity, you must indicate under your signature your relationship to that entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your authority.

If you do not complete and return the form to the sender within thirty days, you or the party on whose behalf you are being served may be required to pay any expenses incurred in serving a summons and petition in any other manner permitted by law.

If you do complete and return this form, you or the party on whose behalf you are being served must answer the petition within thirty days of the date you sign the acknowledgment below. If you fail to do so, judgment by default may be taken against you for the relief demanded in the petition.

I DECLARE, UNDER PENALTY OF PERJURY, THAT THIS NOTICE WAS MAILED ON 06/03/2019
(Insert the date)


Signature Stan P. O'Brien 35712

ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND PETITION

I declare, under penalty of filing a false affidavit, that I received a copy of the Summons and of the Petition in the above captioned matter.

Kathryn Latimer
Signature

Paralegal / MO Dept. of Insurance
Relationship to Entity/Authority

6/5/19
Date Signed

6/20/2019

Case.net: 1922-CC04262 - Event Information



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1922-CC04262 - JOEL SCHWARTZ V CINCINNATI LIFE INSURANCE CO (E-CASE)

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Displaying 1 thru 1 of 1 scheduled hearings and trials returned for case 1922-CC04262.

TUESDAY, NOVEMBER 12, 2019

Judge/Commissioner	Time	Day	Setting	Event
REX M BURLISON	9:00 AM	1 OF 1		Jury Trial
Event Text:				Location: Division 1 City of St. Louis
Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS MO				

Displaying 1 thru 1 of 1 scheduled hearings and trials returned for case 1922-CC04262.

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1922-CC04262 - JOEL SCHWARTZ V CINCINNATI LIFE INSURANCE CO (E-CASE)

Case Header	Parties & Attorneys	Docket Entries	Charges, Judgments & Sentences	Service Information	Filings Due	Scheduled Hearings & Trials	Civil Judgments	Garnishments/ Execution
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06/10/2019 ☐ **Corporation Served**

Document ID - 19-SMCC-8873; Served To - CINCINNATI LIFE INSURANCE COMPANY; Server - ; Served Date - 05-JUN-19; Served Time - 00:00:00; Service Type - First Class Mail; Reason Description - Served; Service Text - mailed on 06/03 and they received on

☐ **Notice of Service**

Notice of Return of Service on Insurance Company; Notice and Acknowledgment of Service; Electronic Filing Certificate of Service.

Filed By: SEAN PATRICK O'GORMAN

On Behalf Of: JOEL J SCHWARTZ

06/07/2019 ☐ **Jury Trial Scheduled**

Scheduled For: 11/12/2019; 9:00 AM ; REX M BURLISON; City of St. Louis

05/31/2019 ☐ **Summons Issued-Circuit**

Document ID: 19-SMCC-8873, for CINCINNATI LIFE INSURANCE COMPANY.

05/30/2019 ☐ **Filing Info Sheet eFiling**

Filed By: SEAN PATRICK O'GORMAN

☐ **Pet Filed In Circuit Ct**

Petition.

Filed By: SEAN PATRICK O'GORMAN

On Behalf Of: JOEL J SCHWARTZ

☐ **Judge Assigned**

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Released 04/25/2019

6/20/2019

Case.net: 1922-CC04262 - Party Information



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1922-CC04262 - JOEL SCHWARTZ V CINCINNATI LIFE INSURANCE CO (E-CASE)

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This information is provided as a service and is not considered an official court record.

[Click here to QuickFile on behalf of the Selected Party.](#)☐ **SCHWARTZ , JOEL J , Plaintiff**

represented by

O'GORMAN , SEAN PATRICK , Attorney for Plaintiff

120 S CENTRAL AVE
 SUITE 130
 CLAYTON, MO 63105
 Business: (314) 862-4332

3350 GREENWOOD BLVD.
 MAPLEWOOD, MO 63143
 Business: (314) 645-5900

Year of Birth: 1961

☐ **CINCINNATI LIFE INSURANCE COMPANY , Defendant**

C/O DIRECTOR OF INSURANCE
 301 W. HIGH STREET, ROOM 530
 JEFFERSON CITY, MO 65101

Case.net Version 5.14.0.11

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Released 04/25/2019



**COLE COUNTY SHERIFF
IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI**

Judge or Division: REX M BURLISON	Case Number: 1922-CC04262	Special Process Server 1
Plaintiff/Petitioner: JOEL J SCHWARTZ	Plaintiff's/Petitioner's Attorney/Address SEAN PATRICK O'GORMAN 3350 GREENWOOD BLVD. MAPLEWOOD, MO 63143	Special Process Server 2
Defendant/Respondent: CINCINNATI LIFE INSURANCE COMPANY	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	Special Process Server 3
Nature of Suit: CC Breach of Contract		(Date File Stamp)

Summons in Civil Case

The State of Missouri to: CINCINNATI LIFE INSURANCE COMPANY

Alias:

C/O DIRECTOR OF INSURANCE
301 W. HIGH STREET, ROOM 530
JEFFERSON CITY, MO 65101

COURT SEAL OF



CITY OF ST LOUIS

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

May 31, 2019

Date

Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: _____ (name) _____ (title).
- ☐ other: _____.

Served at _____ (address)
in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ (_____ miles @ \$ _____ per mile)
Total	\$ _____

A copy of the summons and a copy of the petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

1922-CC04262

Electronically Filed - City of St. Louis - May 30, 2019 - 05:19 PM

**IN THE CIRCUIT COURT OF THE CITY OF SAINT LOUIS
STATE OF MISSOURI**

Joel Schwartz,

Plaintiff ,

v.

Cincinnati Life Insurance,

Defendant

Case No:

**Serve
The Cincinnati Life Insurance
Company**

**c/o Director of Insurance
301 W. High Street, Room 530
Jefferson City, MO 65101**

BREACH OF CONTRACT

Comes now Plaintiff and for his cause of action against Defendant in breach of contract states the court as follows:

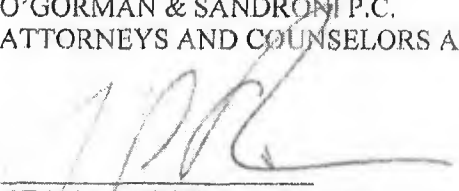
1. That Plaintiff is a resident of the state Missouri.
2. That The Cincinnati Life Company is an insurance company qualified and registered as an insurance business in the state of Missouri
3. That the cause of action arose in the City of St. Louis, State of Missouri.
4. That on or about February 6, 2018 Ricky Dean Cain applied for life insurance with the Defendant.
5. That on said application Ricky Dean Cain Listed Plaintiff Joel Schwartz as the Primary Beneficiary of the policy.
6. That on said application there was no entry for a contingent beneficiary.

7. That Defendant issued policy number 6548638L on the life of Ricky Dean Cain.
8. That Ricky Dean Cain died on or about December 1, 2018.
9. That on or about March 28, 2019 Plaintiff, by and through counsel, applied for the benefits under said contract.
10. That Defendant has failed and refused to pay said benefits.
11. That Defendants failure to pay the benefits is a breach of contract between Defendant and Ricky Dean Cain.
12. That Plaintiff is the third-party beneficiary of the contract between Plaintiff and Ricky Dean Cain.
13. That Defendants breach of contract has damaged Plaintiff in the amount of Two Hundred Thousand Dollars (\$200,000.00)

Wherefore Plaintiff prays for an order of for judgement against Defendant, The Cincinnati Life Insurance Company, in the amount of Two Hundred Thousand Dollars and for an order granting such further and different relief as the Court deems just and proper.

Respectfully submitted:

O'GORMAN & SANDRONI P.C.
ATTORNEYS AND COUNSELORS AT LAW



SEAN P. O'GORMAN #35112
Attorney for Plaintiff

3350 Greenwood Blvd.
Maplewood, MO 63143
May 24, 2019
(314) 645-5900
(314) 645-5990
sean@commonsenselaw.net

CERTIFICATE OF SERVICE

Comes now, O'Gorman & Sandroni P.C. by and through Sean P. O'Gorman , Attorney at Law
and hereby certifies that a copy of the were sent via:

**The Cincinnati Life Insurance
Company**

**c/o Director of Insurance
301 W. High Street, Room 530
Jefferson City, MO 65101**
